

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 08 JUN 2004


WIPO PCT

Applicant's or agent's file reference PFCAM006.WO.P0	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 02/03534	International filing date (day/month/year) 28.03.2002	Priority date (day/month/year) 28.03.2002
International Patent Classification (IPC) or both national classification and IPC C10L1/32		
Applicant CAM TECNOLOGIE S.P.A. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
  - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  23.10.2003	Date of completion of this report  07.06.2004
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Keipert, O  Telephone No. +49 89 2399-7375



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 02/03534**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-17 as originally filed

**Claims, Numbers**

1-38 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	2-4, 7, 8, 12
	No: Claims	1, 5, 6, 9-11, 13-38
Inventive step (IS)	Yes: Claims	
	No: Claims	1-38
Industrial applicability (IA)	Yes: Claims	1-38
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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EXAMINATION REPORT - SEPARATE SHEET**

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**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: DE-A-100 03 105

D2: EP-A-0 399 620

D3: US-A-5 004 479

D4: EP-A-0 441 002

D5: US-A-6 145 498

D6: US-A-5 445 128

2. The requirements of the PCT with respect to novelty (Article 33(2) PCT) is not met in view of the following documents:

2.1 Document D1 (see the passages cited in the search report) discloses water-in-diesel emulsions that comprise a polyalkoxylated polyisobutene emulsifier whose HLB value is between 2 and 6. The emulsions reduce soot and NOx emissions in diesel engines. Example 4 discloses an emulsion that contains 15 wt% of water and 5 wt% of methanol. The disclosure of DE-A-100 03 105 is prejudicial to the novelty of claims 1, 5, 6, 9-11, 13-21, 25, 26, 28-38 of the international application.

2.2 Document D2 (see cited passages) destroys the novelty of claims 21-31, 34, 35.

2.3 Document D3 (see cited passages) destroys the novelty of claims 21-31, 34, 35.

2.4 Document D4 (examples 1-3) discloses emulsions that are novelty-destroying to claims 21-26, 28, 31, 34, 35 of the international application.

3. Dependent claims 2-4, 7, 8, 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT), the reasons being as follows:

3.1 The subject-matter of claims 2-4 is obvious in view of the documents D5, D6 cited by the applicant taken in combination with document D1.

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- 3.2 By lack of any unexpected effect, the subject-matter of claims 7, 8, 12 is obvious in view of the combination of document D1 with either document D2 or D3.